

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Amendment of Part 15 Regarding New Requirements and Measurement Guidelines for Access Broadband over Power Line; Carrier Current Systems Including Broadband over Power Line Systems, *Memorandum Opinion and Order*

We all have high hopes for Broadband over Power Line and I think we would all like to see some non-duopoly pipes bringing broadband access to, particularly, hard-to-reach Americans. We are behind the game in putting high-speed, high value bandwidth to work for all our citizens. You know something is wrong when the best case scenario is that a consumer has a choice between two broadband connections, both of which are more expensive and considerably slower than what consumers in other industrialized nations enjoy. And that's how it works in our wealthy metropolitan areas. Over much of the rest of America, it just gets worse. Customers in rural, and even some urban, areas often cannot get a broadband connection at all. Or their only option is so expensive as to be unattainable as a practical matter.

If you want a quantitative sense of how bad things have gotten, consider this: Last year, the International Telecommunications Union (ITU) listed us at 16th in the world in broadband penetration. Using the ITU's newer and more sophisticated Digital Opportunity Index, your country and mine is now ranked 21st in the world.

The reason we're so far behind, of course, is that – in the words of the Congressional Research Service – our residential broadband market is a flat out “cable and telephone duopoly.” Indeed, this market has an HHI index of roughly 5,500 to 5,800 – well over *three times* what the Department of Justice considers “highly concentrated.” And this is not just some run of the mill product like a toaster or a lawnmower – it is the data pipe over which all future communications will run.

I recount these alarming statistics just to emphasize how important it is for this Commission to take every step within our power to encourage new broadband competitors. And that brings us to this item. Along with wireless technologies, Broadband over Power Line is a credible candidate for a “third pipe” that could bring meaningful competition to this market. Accordingly, I am pleased that we take steps today to resolve certain questions about BPL and radio interference. The BPL industry needs regulatory certainty from us, and I believe today’s item helps provide some certainty—although important policy questions remain to be tackled and need to be tackled.

Even as we seek to encourage BPL – as I stated when we issued our initial order two years ago – we must also ensure that its providers protect existing spectrum users from interference. This applies with special force to amateur radio operators whose skills and dedication once again proved so valuable in the aftermath of Hurricane Katrina. Amateur radio serves the public interest in so many ways that we must be always mindful

of its needs. I believe today's Order strikes an acceptable balance between protecting existing users and providing BPL an environment conducive to innovation and to getting on with the job of deployment. But we should be ever alive to the reality that the unexpected often happens and unforeseen consequences are as often the rule as they are the exception. That's why the Commission must be available and positioned to respond to interference complaints with alacrity. Amateur operators shouldn't have to wait for months to get complaints resolved—they deserve better.

So I want to thank the Chairman and my fellow Commissioners for including language in today's item reaffirming the Commission's commitment to providing amateur radio users with assurances of expeditious relief when they are subject to impermissible interference. When we ask multiple users to share the same spectrum, that old line about justice delayed being justice denied is especially apt. For that reason, this Commission must monitor, investigate, and act quickly to make sure that the rules we reaffirm today are being observed out in the field. If for any reason these procedures prove inadequate, I, for one, will be back asking for more.

Thanks to the Bureau for working through these difficult issues and for bringing this item to us today. I am pleased to support it.